

IN THE SENATE

SENATE BILL NO. 1305

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-105, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-123, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used neighborhood electric vehicles, new or used motorcycles, motor-driven cycles, snow machines or motorbikes, travel trailers, truck campers, all-terrain vehicles, utility type vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have, shall be considered a dealer. See also "salvage pool," section 49-120, Idaho Code.

(2) "Dealer's selling agreement." (See "Franchise," section 49-107, Idaho Code)

(3) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, title 49, Idaho Code, where the term means the Idaho state police, except as otherwise specifically provided.

(4) "Designated family member" means the spouse, child, grandchild, parent, brother or sister of the owner of a vehicle dealership who, in the event of the owner's death, is entitled to inherit the ownership interest in the dealership under the same terms of the owner's will, or who has been nominated in any other written instrument, or who, in the case of an incapacitated owner of a dealership, has been appointed by a court as the legal representative of the dealer's property.

(5) "Director" means the director of the Idaho transportation department, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term means the director of the Idaho state police.

(6) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in records of the department about a person to any other person, organization or entity, by any means of communication.

(7) "Disqualification" as defined in 49 CFR part 383, means withdrawal by the department of commercial vehicle driving privileges.

1 (8) "Distributor" means any person, firm, association, corporation or
 2 trust, resident or nonresident, who has a franchise from a manufacturer of
 3 vehicles to distribute vehicles in this state, and who in whole or in part
 4 sells or distributes new vehicles to dealers or who maintains distributor
 5 representatives.

6 (9) "Distributor branch" means a branch office similarly maintained by
 7 a distributor for the same purposes a factory branch is maintained.

8 (10) "Distributor representative" means any person, firm, association,
 9 corporation or trust, and each officer and employee thereof engaged as a rep-
 10 resentative of a distributor or distributor branch of vehicles for the pur-
 11 pose of making or promoting the sale of vehicles, or for supervising or con-
 12 tacting dealers or prospective dealers.

13 (11) "District" means:

14 (a) Business district. The territory contiguous to and including a
 15 highway when within any six hundred (600) feet along the highway there
 16 are buildings in use for business or industrial purposes, including ho-
 17 tels, banks or office buildings, railroad stations and public buildings
 18 which occupy at least three hundred (300) feet of frontage on one side or
 19 three hundred (300) feet collectively on both sides of the highway.

20 (b) Residential district. The territory contiguous to and including
 21 a highway not comprising a business district when the property on the
 22 highway for a distance of three hundred (300) feet or more is in the main
 23 improved with residences, or residences and buildings in use for busi-
 24 ness.

25 (c) Urban district. The territory contiguous to and including any
 26 highway which is built up with structures devoted to business, indus-
 27 try or dwelling houses. For purposes of establishing speed limits in
 28 accordance with the provisions of section 49-654, Idaho Code, no state
 29 highway or any portion thereof lying within the boundaries of an urban
 30 district is subject to the limitations which otherwise apply to non-
 31 state highways within an urban district.

32 (12) "Documented vessel" means a vessel having a valid marine document
 33 as a vessel of the United States.

34 (13) "Downgrade" as it pertains to commercial drivers licensing shall
 35 mean either:

36 (a) The driver has changed his or her medical requirement self-certifi-
 37 cation to interstate but operates exclusively in transportation or op-
 38 erations excepted from part 391 of the federal motor carrier safety reg-
 39 ulations; or

40 (b) The driver has changed his or her medical requirement self-certifi-
 41 cation to intrastate and operates exclusively in transportation or op-
 42 erations as listed in section 67-2901B(2), Idaho Code; or

43 (c) The driver no longer has commercial motor vehicle driving privi-
 44 leges, but has retained privileges to drive noncommercial motor vehi-
 45 cles.

46 (14) "Drag race" means the operation of two (2) or more vehicles from a
 47 point side by side at accelerating speeds in a competitive attempt to out-
 48 distance each other, or the operation of one (1) or more vehicles over a com-
 49 mon selected course, from the same point to the same point, for the purpose

1 of comparing the relative speeds or power of acceleration of the vehicles
2 within a certain distance or time limit.

3 (15) "Driver" means every person who drives or is in actual physical
4 control of a vehicle.

5 (16) "Driver's license" means a license or permit issued by the depart-
6 ment or by any other jurisdiction to an individual which authorizes the indi-
7 vidual to operate a motor vehicle or commercial motor vehicle on the highways
8 in accordance with the requirements of title 49, Idaho Code.

9 (17) "Driver's license -- Classes of" are issued for the operation of a
10 vehicle based on the size of the vehicle or the type of load and mean:

11 (a) Class A. This license shall be issued and valid for the operation
12 of any combination of motor vehicles with a manufacturer's gross combi-
13 nation weight rating (GCWR) in excess of twenty-six thousand (26,000)
14 pounds, provided the manufacturer's gross vehicle weight rating (GVWR)
15 of the vehicle(s) being towed is in excess of ten thousand (10,000)
16 pounds. Persons holding a valid class A license may also operate vehi-
17 cles requiring a class B, C or D license.

18 (b) Class B. This license shall be issued and valid for the operation
19 of any single vehicle with a manufacturer's gross vehicle weight rat-
20 ing (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such
21 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds
22 manufacturer's gross vehicle weight rating (GVWR). Persons holding a
23 valid class B license may also operate vehicles requiring a class C li-
24 cense or a class D license.

25 (c) Class C. This license shall be issued and valid for the operation
26 of any single vehicle or combination of vehicles that does not meet the
27 definition of class A or class B, as defined in this section, but that
28 either is designed to transport sixteen (16) or more people including
29 the driver, or is of any size which does not meet the definition of class
30 A or class B and is used in the transportation of materials found to be
31 hazardous according to the hazardous material transportation act and
32 which requires the motor vehicle to be placarded under the federal haz-
33 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-
34 ing a valid class C license may also operate vehicles requiring a class D
35 license.

36 (d) Class D. This license shall be issued and valid for the operation of
37 a motor vehicle that is not a commercial vehicle as defined in section
38 49-123, Idaho Code.

39 (e) "Seasonal driver's license" means a special restricted class B or
40 C driver's license to operate certain commercial vehicles in farm-re-
41 lated industries under restrictions imposed by the department. As used
42 in this definition, "farm-related industry" shall mean custom har-
43 vesters, farm retail outlets and suppliers, agri-chemical businesses
44 and livestock feeders. Seasonal driver's licenses are not valid for
45 driving vehicles carrying any quantities of hazardous material requir-
46 ing placarding, except for diesel fuel in quantities of one thousand
47 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,
48 in vehicles or implements of husbandry with total capacities of three
49 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid
50 plant nutrients, that are not mixed with any organic substance.

1 (18) "Driver record" means any record that pertains to an individual's
 2 driver's license, driving permit, driving privileges, driving history,
 3 identification documents or other similar credentials issued by the depart-
 4 ment.

5 (19) "Driver's license endorsements" means special authorizations that
 6 are required to be displayed on a driver's license which permit the driver to
 7 operate certain types of commercial vehicles or commercial vehicles hauling
 8 certain types of cargo, or to operate a motorcycle or a school bus.

9 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is
 10 required on a class A, B or C license to permit the licensee to operate a
 11 vehicle authorized to tow more than one (1) trailer.

12 (b) "Endorsement H -- Hazardous material" means this endorsement is re-
 13 quired on a class A, B or C license if the driver is operating a vehicle
 14 used in the transportation of materials found to be hazardous according
 15 to the hazardous material transportation act and which requires the mo-
 16 tor vehicle to be placarded under the federal hazardous materials regu-
 17 lations 49 CFR part 172, subpart F.

18 (c) "Endorsement P -- Passenger" means this endorsement is required on
 19 a class A, B or C license to permit the licensee to operate a vehicle de-
 20 signed to transport sixteen (16) or more people including the driver.

21 (d) "Endorsement N -- Tank vehicle" means this endorsement is required
 22 on a class A, B or C license to permit the licensee to operate a tank
 23 vehicle which is designed to transport any liquid or gaseous materials
 24 within a tank that is either permanently or temporarily attached to the
 25 vehicle. Such vehicles include, but are not limited to, cargo tanks
 26 and portable tanks, as defined in federal regulations 49 CFR part 171.
 27 This definition does not include portable tanks having a rated capacity
 28 under one thousand (1,000) gallons as defined in section 49-123, Idaho
 29 Code.

30 (e) "Endorsement M -- Motorcycle" means this endorsement is required on
 31 a driver's license to permit the driver to operate a motorcycle or mo-
 32 tor-driven cycle.

33 (f) "Endorsement S -- School bus" means this endorsement is required on
 34 a class A, B or C license to permit the licensee to operate a school bus
 35 in accordance with 49 CFR part 383, to transport preprimary, primary or
 36 secondary school students from home to school, from school to home, or
 37 to and from school-sponsored events. School bus does not include a bus
 38 used as a common carrier.

39 (20) "Driveway" means a private road giving access from a public way to a
 40 building on abutting grounds.

41 (21) "Dromedary tractor" means every motor vehicle designed and used
 42 primarily for drawing a semitrailer and so constructed as to carry mani-
 43 fested cargo in addition to a part of the weight of the semitrailer.

44 SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
 47 axle or axles designed to support a part of the vehicle and load and which
 48 can be regulated to vary the amount of load supported by such an axle or axles

1 and which can be deployed or lifted by the operator of the vehicle. (See also
2 section 49-117, Idaho Code.)

3 (a) "Fully raised" means that the variable load suspension axle is in
4 an elevated position preventing the tires on such axle from having any
5 contact with the roadway.

6 (b) "Fully deployed" means that the variable load suspension axle is
7 supporting a portion of the weight of the loaded vehicle as controlled
8 by the preset pressure regulator valve.

9 (2) "Vehicle" means:

10 (a) General. Every device in, upon, or by which any person or property
11 is or may be transported or drawn upon a highway, excepting devices used
12 exclusively upon stationary rails or tracks.

13 (b) Authorized emergency vehicle. Vehicles operated by any fire
14 department or law enforcement agency of the state of Idaho or any po-
15 litical subdivision of the state, ambulances, vehicles belonging to
16 personnel of voluntary fire departments while in performance of offi-
17 cial duties only, vehicles belonging to, or operated by EMS personnel
18 certified or otherwise recognized by the EMS bureau of the Idaho depart-
19 ment of health and welfare while in the performance of emergency medical
20 services, sheriff's search and rescue vehicles which are under the im-
21 mediate supervision of the county sheriff, wreckers which are engaged
22 in motor vehicle recovery operations and are blocking part or all of one
23 (1) or more lanes of traffic, other emergency vehicles designated by the
24 director of the Idaho state police or vehicles authorized by the Idaho
25 transportation board and used in the enforcement of laws specified
26 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
27 (10,000) pounds or greater.

28 (c) Commercial vehicle or commercial motor vehicle. For the purposes
29 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
30 ment, a motor vehicle or combination of motor vehicles designed or used
31 to transport passengers or property if the motor vehicle:

32 (i) Has a manufacturer's gross combination weight rating (GCWR)
33 in excess of twenty-six thousand (26,000) pounds inclusive of
34 a towed unit with a manufacturer's gross vehicle weight rating
35 (GVWR) of more than ten thousand (10,000) pounds; or

36 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
37 excess of twenty-six thousand (26,000) pounds; or

38 (iii) Is designed to transport sixteen (16) or more people, in-
39 cluding the driver; or

40 (iv) Is of any size and is used in the transportation of materials
41 found to be hazardous for the purposes of the hazardous material
42 transportation act and which require the motor vehicle to be plac-
43 arded under the hazardous materials regulations (49 CFR part 172,
44 subpart F).

45 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
46 registration, a vehicle or combination of vehicles of a type used or
47 maintained for the transportation of persons for hire, compensation or
48 profit, or the transportation of property for the owner of the vehicle,
49 or for hire, compensation, or profit, and shall include fixed load spe-
50 cially constructed vehicles exceeding the limits imposed by chapter

1 10, title 49, Idaho Code, and including drilling rigs, construction,
2 drilling and wrecker cranes, log jammers, log loaders, and similar
3 vehicles which are normally operated in an overweight or oversize
4 condition or both, but shall not include those vehicles registered pur-
5 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
6 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
7 that has a seating capacity for not more than fifteen (15) persons,
8 including the driver, shall not be a "commercial vehicle" under the pro-
9 visions of this title relating to equipment requirements, rules of the
10 road, or registration.

11 (d) Farm vehicle. A vehicle or combination of vehicles owned by a
12 farmer or rancher, which are operated over public highways, and used
13 exclusively to transport unprocessed agricultural, dairy or livestock
14 products raised, owned and grown by the owner of the vehicle to market or
15 place of storage; and shall include the transportation by the farmer or
16 rancher of any equipment, supplies or products purchased by that farmer
17 or rancher for his own use, and used in the farming or ranching opera-
18 tion or used by a farmer partly in transporting agricultural products
19 or livestock from the farm of another farmer that were originally grown
20 or raised on the farm, or when used partly in transporting agricultural
21 supplies, equipment, materials or livestock to the farm of another
22 farmer for use or consumption on the farm but not transported for hire,
23 and shall not include vehicles of husbandry or vehicles registered pur-
24 suant to sections 49-402 and 49-402A, Idaho Code.

25 (e) Foreign vehicle. Every vehicle of a type required to be registered
26 under the provisions of this title brought into this state from another
27 state, territory or country other than in the ordinary course of busi-
28 ness by or through a manufacturer or dealer and not registered in this
29 state.

30 (f) Glider kit vehicle. Every large truck manufactured from a kit man-
31 ufactured by a manufacturer of large trucks which consists of a frame,
32 cab complete with wiring, instruments, fenders and hood and front axles
33 and wheels. The "glider kit" is made into a complete assembly by the ad-
34 dition of the engine, transmission, rear axles, wheels and tires.

35 (g) Motor vehicle. Every vehicle which is self-propelled, and for the
36 purpose of titling and registration meets federal motor vehicle safety
37 standards as defined in section 49-107, Idaho Code. Motor vehicle does
38 not include vehicles moved solely by human power, electric personal as-
39 sistive mobility devices and motorized wheelchairs or other such vehi-
40 cles that are specifically exempt from titling or registration require-
41 ments under title 49, Idaho Code.

42 (h) Multipurpose passenger vehicle (MPV). For the purposes of section
43 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
44 persons which is constructed either on a truck chassis or with special
45 features for occasional off-road operation.

46 (i) Neighborhood electric vehicle (NEV). A self-propelled, electri-
47 cally-powered, four-wheeled motor vehicle which is emission free and
48 conforms to the definition and requirements for low-speed vehicles as
49 adopted in the federal motor vehicle safety standards for low-speed ve-
50 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-

1 tled, registered and insured according to law as provided respectively
2 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated
3 by a licensed driver. Operation of an NEV on a highway shall be allowed
4 as provided in section 49-663, Idaho Code.

5 (j) Noncommercial vehicle. For the purposes of chapter 4, title 49,
6 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
7 not include those vehicles required to be registered under sections
8 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
9 nations of vehicles which are not commercial vehicles or farm vehicles,
10 but shall include motor homes. A noncommercial vehicle shall include
11 those vehicles having a combined gross weight not in excess of sixty
12 thousand (60,000) pounds and not held out for hire, used for purposes
13 related to private use and not used in the furtherance of a business or
14 occupation for compensation or profit or for transporting goods for
15 other than the owner.

16 (k) Passenger car. For the purposes of section 49-966, Idaho Code, a
17 motor vehicle, except a multipurpose passenger vehicle, motorcycle or
18 trailer, designed to carry ten (10) or fewer persons.

19 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or re-
20 paired using like make and model parts and visually appears as a vehicle
21 that was originally constructed under a distinctive manufacturer. This
22 includes a salvage vehicle which is damaged to the extent that a "re-
23 built salvage" brand is required to be added to the title.

24 (m) Reconstructed vehicles. Vehicles which have been reconstructed
25 by the use of a kit designed to be used to construct an exact replica of
26 a vehicle which was previously constructed under a distinctive name,
27 make, model or type by a generally recognized manufacturer of vehicles.
28 A glider kit vehicle is not a reconstructed vehicle.

29 (n) Replica vehicle. A vehicle made to replicate any passenger car or
30 truck previously manufactured, using metal, fiberglass or other com-
31 posite materials. Replica vehicles must look like the original vehi-
32 cle being replicated but may use a more modern drive train. At a mini-
33 mum, replica vehicles shall meet the same federal motor vehicle safety
34 and emission standards in effect for the year and type of vehicle being
35 replicated.

36 (o) Salvage vehicle. Any vehicle for which a salvage certificate,
37 salvage bill of sale or other documentation showing evidence that the
38 vehicle has been declared salvage or which has been damaged to the ex-
39 tent that the owner, or an insurer, or other person acting on behalf of
40 the owner, determines that the cost of parts and labor minus the salvage
41 value makes it uneconomical to repair or rebuild. When an insurance
42 company has paid money or has made other monetary settlement as compen-
43 sation for a total loss of any vehicle, such vehicle shall be considered
44 to be a salvage vehicle.

45 (p) Specially constructed vehicle. Every vehicle of a type required
46 to be registered not originally constructed under a distinctive name,
47 make, model or type by a generally recognized manufacturer of vehicles
48 and not materially altered from its original construction and cannot be
49 visually identified as a vehicle produced by a particular manufacturer.
50 This includes:

(i) A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or

(ii) A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles; or

(iii) A vehicle that has been constructed by using major component parts from one (1) or more manufactured vehicles and cannot be identified as a specific make or model; or

(iv) A vehicle constructed by the use of a custom kit that cannot be visually identified as a specific make or model. All specially constructed vehicles of a type required to be registered shall be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed, and all requirements of chapter 9, title 49, Idaho Code.

(q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section 67-7101, Idaho Code.

(r) Tank vehicle.

(i) Any commercial motor vehicle transporting, or designed to transport, any liquid or gaseous materials within:

1. A tank that is either permanently or temporarily attached or secured to the vehicle or chassis and has a rated capacity of one thousand (1,000) gallons or more; or

2. Multiple tanks either permanently or temporarily attached or secured, when the aggregate rated capacity of those tanks is one thousand (1,000) gallons or more, as determined by adding the capacity of each individual tank with a capacity of more than one hundred nineteen (119) gallons.

(ii) If a commercial motor vehicle transports one (1) or more tanks that are manifested either as empty or as residue and that are actually empty or contain only residue, those tanks shall not be considered in determining whether the vehicle is a tank vehicle.

~~(qs)~~ Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "Identifying number," section 49-110, Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "~~F~~Full-time salesman," section 49-107, Idaho Code, and "~~p~~Part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502, Idaho Code)

1 (7) "Violation" means a conviction of a misdemeanor charge involving a
2 moving traffic violation, or an admission or judicial determination of the
3 commission of an infraction involving a moving traffic infraction, except
4 bicycle infractions.

5 SECTION 3. This act shall be in full force and effect on and after July
6 8, 2014.